



POLICY ID# 2017-007
CLEARED BY: James Cook
DATE: 5-18-17

STATE OF ALABAMA DEPARTMENT OF
PUBLIC HEALTH

Thomas M. Miller, M.D.
State Health Officer

MEMORANDUM

TO: Office, Bureau, Division, and Branch Directors
Area Health Officers
Local Health Officers
Area Administrators and Assistant Area Administrators
Staff Assistants

FROM: Thomas M. Miller, M.D. *Thomas M. Miller*
State Health Officer

DATE: May 17, 2017

RE: Policy Against Workplace Threats and Violence,
Policy ID# 2017-007

Attached is the revised Policy Against Workplace Threats and Violence (Policy ID# 2017-007), which replaces Policy ID# 2008-002. The policy is being revised to clarify the steps employees should take in reporting threats, intimidation, or potential harassment and the steps supervisors should take in responding to such reports.

The policy must be circulated to *all employees*. Supervisors are responsible for ensuring that current employees read the policy and sign an acknowledgment of review. Documentation showing the policy was circulated must be kept at the work site for audit purposes.

All new employees must read this policy as part of their orientation. The supervisor must have the employee acknowledge review of this policy by initialing and dating the Employee Orientation Checklist.

Copies of the policy may be made from the Internal Human Resources website of the Alabama Department of Public Health website (www.adph.org/personnel) or from the ADPH Policy Library in Lotus Notes Workspace.

TMM/BMH/LNJ
Attachments

ALABAMA DEPARTMENT of PUBLIC HEALTH
POLICY AGAINST WORKPLACE THREATS and VIOLENCE

POLICY

It is the policy of the Alabama Department of Public Health (Department) to promote a work environment free from workplace violence. For purposes of this policy, workplace violence is defined as a single behavior or series of behaviors which constitute actual or potential assault, battery, harassment, intimidation, threats of these actions, any behavior that creates a reasonable fear or intimidation response in others, or attempted destruction of or threats to Department or personal property; which occur in a Department workplace, are committed by an individual on Department time, or using Department resources (e.g., phone, fax, e-mail), *or* are committed by or against an individual engaged in Department business. Examples of “violence” include threatening and abusive language, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, physically harming another, or talking of engaging in those activities. This policy requires that all employees representing the Department, as well as all individuals on Department premises and other premises where the business of the Department is conducted, conduct themselves in a professional manner consistent with good business practices and in absolute conformity with non-violence principles and standards.

In addition, the Department recognizes the impact of partner violence on the workplace. Partner violence is defined as a pattern of abusive or coercive behavior occurring between two people in an intimate relationship. It may include physical violence; sexual, emotional, and psychological intimidation; verbal abuse; stalking; and economic control. The Department is committed to heightening awareness of partner violence and providing guidance for employees and management to address the occurrence of partner violence and its effects on the workplace.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace or in locations where the Department’s business is conducted will not be tolerated; that is, all reports of incidents will be taken seriously and dealt with accordingly. It is the intent of this policy to minimize the possibility of workplace violence committed by or against employees or other individuals associated with the Department.

The Department specifically prohibits the possession of weapons by any employee or other individual within its facilities or by any employee in a facility or work site where its employees conduct the business of the Department. Weapons include not only guns and explosives, but also other items when used with the intent to inflict harm. This does not apply to law enforcement officers whose duties require them to carry a firearm.

Violation of this policy by employees will lead to disciplinary action, up to and including termination of employment, and the involvement of appropriate law enforcement authorities as needed. Employees in violation of the policy may be placed on mandatory annual leave or mandatory leave without pay, with approval through the Office of Human Resources and the State Personnel Department. Employees who commit violent acts or make threats of violence may be removed from the premises and may be subject to criminal penalties as well.

Any type of threats or violence against a Department employee by a patient or client of the Department will be investigated and addressed as deemed appropriate. Individuals who commit violent acts or make threats on Department premises may be removed from the premises. Individuals who commit violent acts or make threats against Department employees may be subject to criminal penalties, whether such incidents occur on Department premises or in other locations where the Department's business is conducted.

GUIDELINES

It is everyone's responsibility to prevent violence in the workplace. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. Many times employees are in a better position than management to know what is happening with coworkers. Employees can help by reporting what they see in the workplace that could indicate a coworker is having difficulties. They are responsible for notifying management of any threats which they have witnessed or received or which they have been told another person has witnessed or received, including those related to partner violence. Any employee who observes or experiences workplace violence committed by anyone or against anyone on agency premises, or while conducting agency business away from agency premises, whether or not the perpetrator is

an agency employee, should report it immediately to his/her supervisor. Supervisors and managers who receive such reports should seek advice from the Employee Relations Officer, or the Human Resources (HR) Director in absence of the Employee Relations Officer, regarding investigating the incident and initiating appropriate action.

Employees who feel they are being threatened, intimidated, or harassed by a coworker, supervisor, manager, or any other individual during the course of their work duties (whether or not the offending party is an employee of the Department) should refer to the Procedures for Reporting Violence, Threats, Intimidation, or Potential Harassment (Attachment A). Supervisors or managers who receive reports of violence, threats, intimidation, or potential harassment must respond to such reports in accordance with the Procedures for Responding to Reports of Violence, Threats, Intimidation, or Potential Harassment (Attachment B).

If an employee is the victim of partner violence, s/he is encouraged to share this information with the supervisor, manager, or the Employee Relations Officer for guidance in obtaining needed assistance. Employees will not be penalized for seeking help for themselves, their families, or coworkers. The information will be kept as confidential as possible, but workplace safety will take priority.

Employees are encouraged to use the Department's Employee Assistance Program (EAP). The EAP is a confidential service to be used for guidance in coping with life's difficulties. The EAP offers services to Department employees and their eligible dependents. To obtain information about the EAP, contact the Employee Relations Officer at (334) 206-5815 or (334) 206-9494.

If an employee is uncomfortable reporting workplace or partner violence to his/her supervisor, if the supervisor is the one exhibiting the behavior, or if the behavior continues after the initial report, the matter should be reported to the next supervisor in the chain of command or to the Employee Relations Officer. This policy prohibits retaliation against any employee who complains about or reports acts of violence or disruptive behavior in the workplace.

Employees who apply for and obtain a protective or restraining order that lists Department locations as being protected areas must provide a copy of the petition and order to his/her supervisor to be forwarded through the chain of command to the Employee Relations Officer.

NOTE: *Threats or assaults that require immediate attention by security or police should be reported first to local law enforcement officers by calling 911. For state offices located in Montgomery, the first contact in such cases should be the State Capitol Police at (334) 242-0700.*


Any employee who is convicted of a violent criminal act is responsible for reporting the conviction to his/her supervisor.

A Crisis Management Team (CMT) consisting of the HR Director, the Employee Relations Officer, the General Counsel, and other staff as deemed appropriate, will provide guidance to supervisors and other employees in situations involving workplace violence. Specifically, the CMT will assist offices in intervention where "red flags" are identified and will conduct post-incident reviews and make recommendations, where appropriate, for preventing or responding to future incidents.

Every effort should be made by supervisors and managers to help prevent violent, threatening, harassing, intimidating, or other disruptive behavior in the workplace. In order to promote a peaceful working environment, supervisors and employees are encouraged to learn more about working with each other by attending seminars and workshops covering communication, problem solving, building effective working relationships, stress management, and related course topics when available and economically feasible.



Thomas M. Miller, M.D.
State Health Officer



Date

Alabama Department of Public Health

Procedures for Reporting Violence, Threats, Intimidation, or Potential Harassment

1. **Assaults or serious threats of violence that require immediate attention by security or police should be reported first to local law enforcement officers. For State offices located in Montgomery, the first contact in such cases should be the State Capitol Police at (334) 242-0700; in all other locations, dial 911.**
2. If you feel you are being threatened, intimidated, or harassed by a coworker, supervisor, manager, or any other individual in the workplace or in the field (whether or not the offending party is employed by the Department), it is recommended (but not required) that, if possible, you tell the offending party that his/her behavior is offensive and needs to stop. Sometimes a direct conversation will solve the problem.
3. If telling the offending party to stop the offensive behavior does not solve the problem or if you do not feel comfortable having a direct conversation with the offending party, you should report the conduct promptly to your immediate supervisor. Your report may be verbal or written.
4. If you feel threatened or uncomfortable reporting such incidents to your immediate supervisor or if the immediate supervisor is the offending party, notify a higher level supervisor in the chain of command.
5. If you are not comfortable reporting the matter through your chain of command you may contact the Employee Relations Officer; however, in the interest of fostering more positive working relationships, you are encouraged to first try to resolve the issue through your chain of command.
6. The party receiving the report is to immediately contact the Employee Relations Officer for guidance. In addition, s/he must document the allegations and send a copy of the documentation to the Employee Relations Officer.
7. When the Department receives an allegation of threats, intimidation, or harassment, or has reason to believe such behavior is occurring, including situations involving an outside party such as clients or patients, it will take the steps necessary to ensure that the matter is promptly investigated and addressed.
8. In conducting an investigation, the Department will ensure that the rights of the charging party and the alleged offender are protected.
9. If the allegation is determined to be credible, the Department will take immediate measures to end the unwelcome behavior.
10. If you are not satisfied with the conclusion or results of the investigation, you may present your complaint to the State Health Officer.
11. The Department strictly prohibits retaliation of any kind against an employee who, in good faith, reports or makes an allegation of threats, intimidation, or harassment, or who assists in investigating such complaints. If you feel you are being subjected to any form of retaliation, promptly report the conduct to your immediate supervisor, another member of management, or the Employee Relations Officer.

Alabama Department of Public Health
Procedures for Supervisors Responding to Reports of Violence,
Threats, Intimidation, or Potential Harassment

1. **Assaults or serious threats of violence that require immediate attention by security or police should be reported first to local law enforcement officers. For State offices located in Montgomery, the first contact in such cases should be the State Capitol Police at (334) 242-0700; in all other locations, dial 911.**
2. **Be prompt** – When you receive a complaint or report of violence, threats, intimidation, or harassment, immediately go through your chain of command and contact the Employee Relations Officer, or Human Resources Director in absence of the Employee Relations Officer, for guidance. The Department must act as quickly as reasonably possible under the circumstances to investigate and, if necessary, correct the conduct and stop it from happening again.

The following steps are taken with direction from the Employee Relations Officer or Human Resources Director.

3. **Be thorough** – The Department's investigation must be as thorough as possible given the severity of the allegations. Not every complaint of offensive workplace conduct will require an extensive investigation; however, the more egregious the allegations are, the more comprehensive the investigation needs to be.
4. **Consider preliminary remedial steps** – While an investigation is pending, it is best to segregate the accused and the complainant to guard against further harassment or offensive conduct, or worse, retaliation.
5. **Communicate** – The accused should be made aware of the complaint against him/her. The complainant and the accused should be made aware that an investigation will be conducted, who will be interviewed, what documents may be reviewed, approximately how long the investigation will take, the importance of confidentiality and discretion, and how the results will be communicated.
6. **Follow through** – There is nothing illegal about trying remedial measures less severe than termination in all but the most egregious cases. If the conduct continues, however, the discipline must get progressively more harsh. If an employee is told that termination is the next step, you must be prepared to follow through.